



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Monday, November 21, 2016

Time: 9:00 AM

Type of Meeting: Special

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

2. **CEB Case No.:** 16-1677

Respondent: Karen Baker Antico TR Eva Baker Revoc Trust

Address of Violation: 831 McDonald Road, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/08/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Sanitary Conditions), Section 42-54 (Sanitary Nuisance Prohibited) of the City of Port Orange Code of Ordinances;

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions, Nuisance, (a), (4) of the City of Port Orange Code of Ordinances;

Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances;

Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 504 (Plumbing

Systems and Fixtures), 504.3 (Plumbing System Hazards) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; and

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

C. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Case Cost Sheet Log

Case No. 16-1677

Name	Activity	Activity_Date	Status	Cost
Karen Baker Antico TR Eva Baker Revoc Trust	Cost to mail the Notice of Violation/Notice of Hearings to 831 McDonald Road, Port Orange, FL (via regular & certified mail)	11/09/2016	Nothing returned as of 11/16/16	\$7.34
Karen Baker Antico TR Eva Baker Revoc Trust	Cost to mail the Notice of Violation/Notice of Hearings to Oaktree Healthcare, 650 Reed Canal Road, South Daytona, FL 32119 (via regular & certified mail)	11/09/2016	Green card signed by Elizabeth Love on November 10, 2016	\$7.34
Clerk of Court	Fee to record the Finding of Fact, Conclusion of Law, & Order	11/21/2016		\$27.00
Karen Baker Antico TR Eva Baker Revoc Trust	Cost to mail the Finding of Fact, Conclusion of LAW & Order to 831 McDonald Road, Port Orange, FL (via regular & certified mail)	11/21/2016		\$7.34

Total: 49.02



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1677

To: Karen Baker Antico TR
Eva Baker Revoc Trust
Property Owner
831 McDonald Road
Port Orange, FL 32129

Re: 831 McDonald Road
Port Orange, FL 32129
Parcel ID: 6304-09-00-0350

LEGAL DESCRIPTION: LOT 35 AMBER VILLAGE SUB MB 40 PGS 61 & 62 INC PER OR 3928 PGS 3153 & 3155 & D/C
OR 4089 PG 4752 & UNREC WILL
Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 1, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Due to the nature and severity of the violations to include health and safety issues on this property, owner and residents are hereby being notified that property has been deemed unsafe to occupy as per posting on November 1, 2016.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 18, 2016. In order for the property to be in compliance, the following must occur: removal of all garbage, junk, trash, debris, fecal and urine matter, food, waste, etc. inside the home, garage and exterior of the home. In addition, respondent shall also fumigate for rodents and pests and sanitize the entire dwelling. The property must be mowed and maintained and all fallen limbs and trees must be removed. You must repair all water leaks prior to reconnecting to the city's water system. Lastly,

Briefly stated, the property is in violation of the following:

1. Chapter 42 (Nuisances), Article III (Sanitary Conditions), Section 42-54 (Sanitary Nuisance Prohibited) of the City of Port Orange Code of Ordinances: A sanitary nuisance in the city is hereby declared to be the commission of any act, by any person, or the keeping, maintaining, propagation, existence or permitting of anything by any person, by which the life or health of any person, or the health or lives of persons, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused or the environment of any person rendered unclean or unwholesome by act of another or others. Sanitary nuisances are prohibited.
 - An inspection of the property on November 1, 2016 revealed piles of garbage, trash and debris throughout the entire home. There is feces and urine from one end of the home to the other and the carpet is saturated with such. The residence is severely infested with roaches, flies, maggots, gnats, and possibly rodents. There is rotten food on the floor and countertops. Property was posted on this date with a placard informing resident (s) that the unit/home is being deemed unsafe and that occupancy is prohibited.

2. Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance, (a), (4) of the City of Port Orange Code of Ordinances:
 - (a) A structure is unsafe when any of the following conditions exist:
 - (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
 - Since the inspection of the property uncovered a massive insect infestation, feces and urine all over the home, rotting food, and very unsanitary and dangerous conditions inside the home, the residence is to be deemed unsafe and unfit for human occupancy in that it may cause disease or sickness to the inhabitants or surrounding neighbors.
3. Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.
 - At time of inspection, I noticed the yard to be very high and unkempt. Weeds exceed 10 inches allowed by code. In addition, there are numerous trees/limbs at the back of the property that came down during the storm that have not been cleaned up or taken out to the road for pick up.
4. Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances: The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - At time of inspection on November 1st, 2016, I noticed garbage, waste and trash throughout the inside of the home. Present was rotting food, trash bags full of garbage, empty food containers, cat food containers with maggots, empty soda/beer cans, piles of old clothes, miscellaneous household items, etc.
5. Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.
 - At time of inspection, noticed entire inside of home to be infested with roaches, gnats, flies, maggots, and possibly rodents.
6. Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 504 (Plumbing Systems and Fixtures), 504.3 (Plumbing System Hazards) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate hazard.
 - At time of inspection on November 1st, 2016, I noticed water flowing out of front door of duplex unit. When inside home, it appeared that the water line for the refrigerator had leaked or was running, resulting in the kitchen floor being soaked in water. Due to the potential hazard to the neighbor in the adjoining duplex, the water in the unit was shut off by an employee with the City of Port Orange Public Utilities Department.

7. Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system.

- Once the corrections and repairs are made to the leak, the water must be reconnected to the City of Port Orange water system.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** November 21, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2) (d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.84 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on November 21, 2016, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on January 11, 2017, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City

Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5645.

DATED this 8th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Karen Baker Antico TR, Eva Baker Revoc Trust, Property Owners, 831 McDonald Road, Port Orange, FL 32129**, RE: 831 McDonald Road, was

☒ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: Carmela White - Oaktree Healthcare

this 8th day of November, 2016. 650 Reed Canal Rd.

Time: approx. 11:30 AM

South Daytona, FL
32119

Posted on property @ 3:45 PM
at 831 McDonald Rd, Port Orange, FL 32129

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Karen Baker Antico TR, Eva Baker Revoc Trust, Property Owners, 831 McDonald Road, Port Orange, FL 32129**, RE: Karen Antico TR, Eva Baker Revoc Trust, Oaktree Healthcare, 650 Reed Canal Rd

☒ Posted at City Hall
☒ Sent via certified and regular

this 9 day of November, 2016. South Daytona
FL 32119.

Robert Henrich
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6304-09-00-0350 **2017 Working Tax Roll** Last Updated: 10-29-2016

Owner Name and Address

Alternate Key	4796631	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6304-09-00-0350	Mill Group	402 Port Orange
Full Parcel ID	04-16-33-09-00-0350	2016 Final Mill Rate	20.05190
Created Date	20 JAN 1986		
Property Class	01 Single Family		
Ownership Type	Trust	Ownership Percent	100
Owner Name	ANTICO KAREN BAKER TR		
Owner Name/Address 1	EVA BAKER REVOC TRUST		
Owner Address 2	831 MCDONALD RD		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119-3716		
Situs Address	831 MCDONALD RD PORT ORANGE 32129		

Legal Description

LOT 35 AMBER VILLAGE SUB MB 40 PGS 61 & 62 INC PER OR 3928 PGS 3153 & 3155 & D/C OR 4089 PG 4752 & UNREC WILL

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
3928 3153	05/1994	Warranty Deed	Affiliated Parties	Yes	100
3090 0428	01/1988	Warranty Deed	Qualified Sale	Yes	59,400
2645 0285	01/1985	Warranty Deed	Multi parcel sale	No	300,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2016	7,000	71,346	0	78,346	50,238	50,238	25,500	24,738	238	24,500
2015	7,000	58,580	0	65,580	49,889	49,889	25,500	24,389	0	24,389

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0108	IMP ATCHD UT SEP OWNED	0.0	0.0	1.00	LOT	7000.00	100	100	100	100	7,000
Neighborhood 5312 AMBER VILLAGE MB 40 PGS 61&6											
Total Land Classified											0
Total Land Just											7,000

Building Characteristics

Building Number: 151747 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
151747	Single Family	162	1988	300		14%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	VINYL SIDING	1.0	1988	N	0%	0%	1169 Sq. Feet
002	Patio (PTO)	Non-Applicable	1.0	1988	N	0%	0%	80 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1988	N	0%	0%	299 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1988	N	0%	0%	12 Sq. Feet

BOOK PAGE

3928 3153

VOLUSIA CO., FL

WARRANTY DEED

THIS INDENTURE, made this 11th day of May, 1994, between EVA BAKER, of Port Orange, and whose social security number(s) is [REDACTED] Grantor(s), and EVA BAKER, as Trustee of the Eva Baker Revocable Trust Agreement dated May 11, 1994, whose social security number(s) is [REDACTED] and whose post office address is 831 McDonald Road, of the County of Volusia, State of Florida, Grantee(s),

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs, and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to wit:

Lot 35, AMBER VILLAGE SUBDIVISION, according to plat recorded in Map Book 40, Pages 61 and 62, Public Records of Volusia County, Florida.

SUBJECT TO taxes for 1994 and subsequent years.

SUBJECT TO restrictions, easements and reservations of record, if any.

Tax Parcel Identification Number: 6304 09 00 0350

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

("Grantor" and "Grantee" are used from singular or plural, as content requires.)

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the proper use, benefit and behalf of the said party of the second part. The Successor Trustee is KAREN IRIS ANTICO, the Alternate Trustee is CHARLES T. MOORE. Upon the recording of an Affidavit from any Trustee that he or she is the current active trustee under the terms of the trust, persons and entities relying upon this deed shall have no duty of further inquiry.

GRANTEE shall have full power and authority to deal in and with the property including the power and authority to protect, conserve, sell, lease or encumber and otherwise manage and dispose of the property, or any part thereof, it being the intent to vest

1

REG FEE \$ 15.00 REC'D PAYMENT AS
DOC ST \$ 70 INDICATED FOR CLASS
INT FAX \$ "C" INTANGIBLE & DOC
PENALTY \$ STAMP TAXES SIGNED
INTEREST \$

[Signature]
Clark Circuit Court, Volusia Co., Florida

089349

FILED FOR RECORD
RECORD VERIFIED

94 JUN 10 PM 12:39

CLERK OF THE CIRCUIT
CL. CO. VOLUSIA CO., FL

[Signature]

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VOLUSIA CO., FL

in Grantee full rights as Grantee of the property as authorized and contemplated by SECTION 689.071, FLORIDA STATUTES.

NO PARTY dealing with the Grantee in relation to this Deed or to the property, in any manner whatsoever, and (without limiting the foregoing) no party to whom the property, or any part thereof or any interest therein, shall be conveyed, encumbered, leased or contracted to be sold by the Grantee, shall be obligated (a) to see the application of any purchase money, rent, or money borrowed or advanced with respect to the property, or (b) to see to compliance with terms of the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any, or (c) to inquire into the authority, necessity or expediency of any act of the Grantee, or (d) be privileged to inquire into any of the terms of the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any.

EVERY DEED, mortgage, lease or other instrument executed by the Grantee in relation to the property shall be conclusive evidence, in favor of every person claiming any right, title or interest thereunder that: (a) at the time of delivery thereof the trust created under the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any, was in full force and effect; (b) such instrument was executed in accordance with the terms and conditions of the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereof, if any, and is binding upon the beneficiaries thereunder; (c) that Grantee was thereunder duly authorized and empowered to execute and deliver every such instrument; (d) if a conveyance of the property has been made to a successor or successors in trust, that such successor or successors have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of its, his or their predecessor in trust.

THAT GRANTEE shall have no individual liability or obligation whatsoever arising from its ownership, as Trustee under the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any, of the legal title to the property, or with respect to any act done or contract entered into or indebtedness incurred by it in dealing with the property or in otherwise acting hereunder, except only so far as the property and any trust funds in the actual possession of the Grantee shall be applicable to the payment and discharge thereof. Any and all liability, if any, arising with respect to ownership of the property shall be solely the responsibility of the beneficiary of the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any.

IT IS expressly understood and agreed between the parties and all successors and assigns that this Warranty Deed is entered into by Grantee, not personally, but as Trustee under the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994 in exercise of

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3928 3155

VOLUSIA CO., FL

authority conferred upon such Trustee therein. No personal liability or responsibility is assumed by or shall be enforceable against said Trustee, either express or implied.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Eva Baker
Witness Printed: EVA BAKER

Joseph David Whitfield
Witness Printed: JOSEPH DAVID WHITFIELD

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that EVA BAKER, personally appeared before me at the time of notarization.

SWORN TO AND SUBSCRIBED before me this 11th day of May, 1994.



Charles T. Moore
NOTARY PUBLIC

Personally known _____ or produced identification X
Type of Identification produced affidavits

THIS INSTRUMENT PREPARED BY:
CHARLES T. MOORE, ESQUIRE
SOUTHTRUST BANK BUILDING, SECOND FLOOR
2111 S. RIDGEWOOD AVENUE
SOUTH DAYTONA, FLORIDA 32119

Sec. 42-54. - Sanitary nuisance prohibited.

A sanitary nuisance in the city is hereby declared to be the commission of any act, by any person, or the keeping, maintaining, propagation, existence or permitting of anything by any person, by which the life or health of any person, or the health or lives of persons, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused or the environment of any person rendered unclean or unwholesome by act of another or others. Sanitary nuisances are prohibited.

(Code 1981, § 11-7)

State Law reference— Nuisances injurious to health, F.S. § 386.041.

Sec. 42-108. - Unsafe conditions; nuisance.

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
- (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
- (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

(b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

(e)

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the

floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309 PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503 TOILET ROOMS

[P] 503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking

device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied

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PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] **505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

[P] **506.1 General.** Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] **506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] **506.3 Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

[P] **507.1 General.** Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.